

Exhibit 5

David Schulman – October 21, 2020

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Master docket No. 18-MD-2865 (LAK)
4 Case Nos. 18-cv-09505

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6 IN RE:)
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CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK (SKATTEFOR
VALTNINGEN) TAX REFUND SCHEME
LITIGATION,

REMOTE VTC VIDEOTAPED DEPOSITION UNDER ORAL

EXAMINATION OF

DAVID SCHULMAN

DATE: October 21, 2020

REPORTED BY: MICHAEL FRIEDMAN, CCR

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1 Q And so, that -- was that \$200 per
2 plan?

3 A 200,000 per plan, yes.

4 Q Was that how the plans were
5 initially funded?

6 A Yes.

7 Q What consulting work did you do for
8 Mr. Kaminer?

9 A I advised him on risk arbitrage
10 positions. I backed him up on the drip
11 trading. I gave an opinion if he had a
12 particular strategy that I thought that he
13 wanted my opinion on.

14 There was one in particular that he
15 had already put on rather substantially and I
16 disliked it. And then he went away on
17 vacation and I shut the whole position down.

18 In other words, I made the decision
19 for him in his absence that he shouldn't be
20 in that position. And it turned out that
21 that would have been a very, very expensive
22 mistake outside of general advice.

23 Otherwise, that was it.

24 Q And so, the \$400,000 that he gave
25 to the two plans, was that a repayment of the

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1 had done for him for eight years.

2 I did not specify an amount, and
3 that was the amount that he chose.

4 Q And you said earlier that Dan
5 Kaminer said that now that you have the
6 pension plans, he could pay you back for the
7 work that you had done.

8 Were these pension plans set up to
9 receive that money from Dan Kaminer?

10 MR. BLESSINGTON: Objection. You
11 may answer.

12 A Not specifically, no. I mean, I
13 might have had that in mind, but no, not
14 specifically.

15 Q And you said that the \$200,000 per
16 plan was a consulting fee?

17 A Yes. Correct.

18 Q And you said that the plans were
19 set up to put consulting income into.

20 Is that right?

21 A Correct.

22 Q Did you receive any other
23 consulting income?

24 A No.

25 Q So the plans were set up to receive

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1 Q And this was when the plans
2 were -- I'm sorry, excuse me.

3 And Mr. Kaminer paid the -- this
4 \$400,000 when the plans were established.

5 Is that right?

6 A I don't know the answer to that. I
7 can't talk to specific dates.

8 Q Do you have financial records of
9 the plans that would demonstrate when these
10 payments were made?

11 A No. The only records I have are
12 the tax returns of the plans.

13 Q And what years do you have those
14 for?

15 A Oh, definitely the ones you
16 requested. I have not gone further back to
17 see if I have others.

18 Q So how did the \$200,000 per plan
19 end up in the pension plan?

20 A I don't remember.

21 Q Did Mr. Kaminer pay you, and then
22 you made a contribution to the plan, or did
23 he pay the plan directly?

24 A Oh, I'm pretty sure he paid me and
25 I put the money in the plans.

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1 Q And this was -- so he paid you the
2 \$200,000 in the consulting fees, and you
3 contributed that money to the plan?

4 A Correct.

5 Q Did you report this consulting
6 income on your tax returns?

7 A I'm sure I did if it's -- if it was
8 legally required, I'm sure I did.

9 Q And did you pay taxes on that
10 \$200,000?

11 A No. That was the purpose, was to
12 defer paying taxes on that money.

13 Q And what about the other pension
14 plan, Joan Schulman -- the Joan Schulman
15 Pension Plan?

16 A Right.

17 Q Dan Kaminer contributed \$200,000 to
18 that plan as well?

19 A Yes.

20 Q Did Joan also provide consulting
21 services to Dan Kaminer?

22 A Some small services, but
23 she -- when he had to prepare to make
24 presentations, she worked -- I mean, she's a
25 professional editor and teacher, so not a

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1 active with Invest Tech at the same time as
2 ED&F Man, and I don't know if there were
3 other parties involved.

4 Q Did you ask Stacey any questions
5 about the move?

6 A No.

7 Q Did she explain anything about why
8 the plans were moving the accounts to
9 ED&F Man?

10 MR. BLESSINGTON: Object as to
11 form.

12 A No.

13 Q Did Stacey enter into any
14 agreements with ED&F Man on behalf of the
15 plans?

16 A Not that I know of.

17 Q So when she said that she had an
18 agreement with them for funding, who was that
19 funding being provided to?

20 MR. BLESSINGTON: Object as to
21 form.

22 MR. BINDER: Object to form,
23 misstates prior testimony.

24 MR. BLESSINGTON: You can answer.

25 THE WITNESS: I don't know what the

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1 A It looks like it.

2 Q Do you know what the purpose of
3 this document is?

4 A Only what I've gotten from reading
5 the cover page. And I have to admit I don't
6 know what any of these terms mean. "Security
7 and set off deed," I have no idea.

8 Q Did somebody tell you that you
9 needed to sign this document?

10 A I don't recall.

11 Q Did you read this before signing?

12 A No.

13 Q Why not?

14 A Again, I am sure that Stacey sent
15 it to me with a yellow tab, it said "Sign
16 Here," and I signed.

17 Q Please turn to Exhibit 822?

18 MS. CAHAN: Mark this as 822.

19 (Whereupon the above mentioned was
20 marked for Identification.)

21 A Okay.

22 Q Are you familiar with this
23 document?

24 A No.

25 Q Is that your signature on the last

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1 page?

2 A Yes.

3 Q Did you review this document before
4 signing it?

5 A You know, I probably looked at it.
6 When it said "custody agreement." I just
7 signed by the tab.

8 Q Why didn't you review this
9 agreement before you signed it?

10 A I think custody documents are
11 boilerplate. I didn't see any reason to
12 review it.

13 Q How -- in what way are custody
14 agreements boilerplate?

15 A I think it just says the same
16 thing, that a broker dealer will keep custody
17 of your securities. It wasn't like they were
18 going to mail me stock certificates.

19 I don't know, but that's my limited
20 understanding of it. I never read this
21 document.

22 Q Did anybody tell you that you
23 needed to sign this document?

24 A I don't know, but I believe that it
25 was sent to me with a tab, "Sign Here."

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1 Q Sent to you by whom?

2 A I don't know the answer to that,
3 but since all documents like this went to
4 Stacey at Lillehammer Road, or whatever it
5 is, and they were forwarded to me, I would
6 assume it was Stacey or her assistant, but
7 certainly at Stacey's direction.

8 Q Can you please turn to Exhibit 824?

9 MS. CAHAN: Mark this as 824.

10 (Whereupon the above mentioned was
11 marked for Identification.)

12 A Okay.

13 Q Are you familiar with this
14 document?

15 A (Witness reviewing.)

16 No.

17 Q Is that your signature on the last
18 page?

19 A Yes.

20 Q On the first page, it says that you
21 categorize -- that "the Riverside Associates
22 Defined Benefit Plan will be categorized as
23 an elective professional client."

24 Do you know what that means?

25 A No idea.